



PATENT
ATTORNEY DOCKET NO. REGEN1260-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tsien et al. Art Unit: 1653
Serial No.: 10/057,505 Examiner Hope A. Robinson
Filed: January 25, 2002
Title: TANDEM FLUORESCENT PROTEIN CONSTRUCTS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

The undersigned, attorney of record for Petitioners, THE REGENTS OF THE STATE OF CALIFORNIA ("The Regents") and AURORA BIOSCIENCES CORPORATION ("Aurora") represents that Petitioners are the Assignees of all interest in Application No. 10/057,505, filed January 25, 2002, entitled TANDEM FLUORESCENT PROTEIN CONSTRUCTS, as evidenced by the Assignments recorded in the United States Patent and Trademark Office on April 23, 1996, at Reel 0859, Frame 4545 (The Regents) and June 18, 1997, at Reel 8591, Frame 0069 (Aurora).

The evidentiary documents referred to herein have been reviewed by the undersigned and it is certified that to the best of the undersigned's knowledge and belief, title is in the Assignee.

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CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on September 2, 2004, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Karen LePari

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In re Application of:

Tsien et al.

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Pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioners, The Regents and Aurora, disclaims the terminal part of any patent granted on the above-identified Application No. 10/057,505 which would extend beyond the expiration date of U.S. Patent No. 5,981,200. Petitioner hereby agrees that any patent so granted on the above-identified application, No. 10/057,505, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent 5,981,200, this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

Enclosed is Check No. 565743 in the amount of \$110.00 to cover the Terminal Disclaimer filing fee. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1355 referencing Attorney Docket No. REGEN1260-3.

Respectfully submitted,

Date: September 2, 2004



Lisa A. Haile, J.D., Ph.D.

Registration No. 38,347

Telephone: (619) 677-1456

Facsimile: (619) 677-1465

GRAY CARY WARE & FREIDENRICH LLP

4365 Executive Drive, Suite 1100

San Diego, California 92121-2189

USPTO Customer Number 28213